



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
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November 14, 2019

BY ECF

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Gottesfeld v. Hurwitz*, 18 Civ. 10836 (PGG)

Dear Judge Gardephe:

On May 16, 2019, Defendants moved to dismiss the complaint in the above-captioned action. Defendants write to respectfully request that the Court endorse the briefing schedule set forth below.

On May 21, 2019, the Court provided Plaintiff until June 20, 2019, to oppose the motion to dismiss. *See* Dkt. No. 55. On June 19, 2019, Plaintiff's wife—Dana Gottesfeld—wrote a letter to the Court seeking an extension of Plaintiff's time to respond to the Complaint. *See* Dkt. No. 57. On June 21, 2019, the Court granted this request and provided Plaintiff until July 11, 2019, to submit his opposition. *See* Dkt. No. 58. On July 2, 2019, Plaintiff filed another request for an extension seeking until August 31, 2019, to file his opposition. *See* Dkt. No. 59. The Court granted Plaintiff's request and provided Defendants until September 24, 2019, to submit their reply. *See* Dkt. No. 62. On August 12, 2019, Plaintiff asked for an additional extension to October 15, 2019, which the Court granted. *See* Dkt. Nos. 67, 73. The Court provided Defendants until November 5, 2019 to submit their reply. Thereafter, Plaintiff submitted additional extension requests, on which the Court has not ruled. *See* Dkt. Nos. 81, 85. In his most recent request, Plaintiff indicated that he would place his opposition papers in the mail on November 12, 2019.

Per the above, the most recent briefing scheduled endorsed by the Court required Plaintiff to file his opposition by October 15 and that the Defendants reply by November 5. Given Plaintiff's violation of the Court's order setting forth the briefing schedule as to the motion to

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dismiss, Defendants respectfully request that the Court provide Defendants with three weeks from the date that Defendants receive Plaintiff's opposition to file their reply papers.¹

I thank the Court for its attention to this matter.

Sincerely,

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¹ In his most recent filing, *see* Dkt. No. 85, Plaintiff indicated that he would mail his opposition on November 12, 2019. Based on prior filings, there is often an approximate two-week lag between Plaintiff's mailing and Plaintiff's papers appearing on the docket sheet. Accordingly, if Plaintiff does mail his opposition on November 12, it will likely appear on the docket the week of November 25, 2019. In light of the holiday that week, Defendants respectfully request that the Court provide them with three weeks to reply to Plaintiff's opposition.